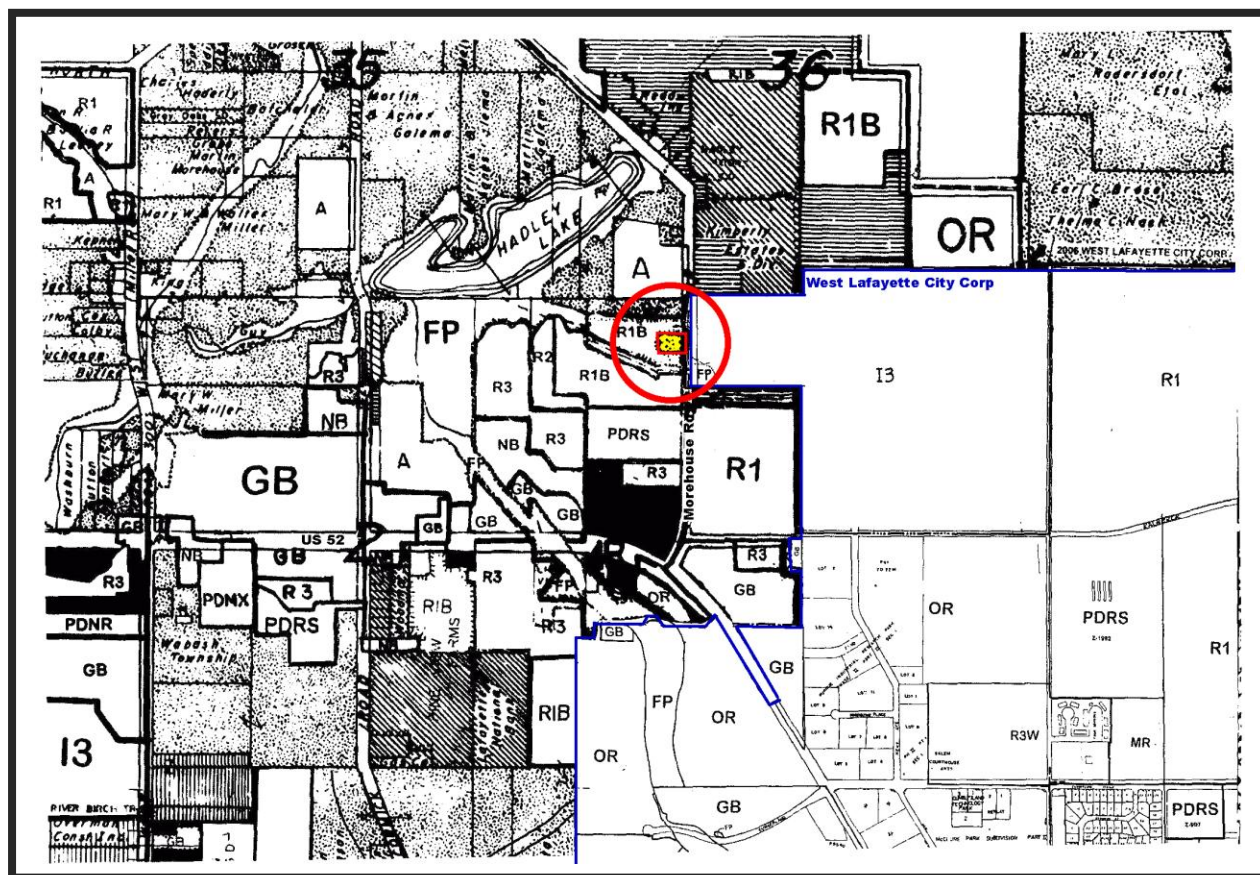


# VARIANCE

## Staff Report



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**BZA-1866**  
**BRIAN J. & SALLIE DELL FAHEY**  
**Variance**

**Staff Report**  
**October 18, 2012**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners, who are also the owners and with plans by KJG Architects, are requesting a variance to permit a street frontage setback of 13' instead of the minimum required 25'. The variance is to allow re-construction and addition to an historic 1870s barn. The property is located at the corner of Abnaki Drive and Morehouse Road at 3910 Morehouse Road, Wabash 01(NW)23-5. (UZO 4-2-2)

**AREA ZONING PATTERNS:**

This 1.65 acre site is zoned R1, Single-family Residential. A surrounding subdivision is zoned R1B, also Single-family Residential. I3 zoning is located across Morehouse.

There has been no ABZA activity in the area since the late 1990s.

**AREA LAND USE PATTERNS:**

Along with the barn, a single family home built in the 1940s occupies the site.

Sagamore Pointe Subdivision surrounds the property on all three sides; an unimproved farm field is located east across Morehouse.

**TRAFFIC AND TRANSPORTATION:**

The property to the west appears to have a 6' privacy fence that abuts property line along Abnaki (fences over 42" in height are required to meet structure setbacks UZO 4-1(b)(9)). The construction of this addition should have no impact on sight distances for cars entering onto Abnaki Drive from Abnaki Way.

If petitioners intend on installing a driveway to access the storage barn, it must be paved.

**STAFF COMMENTS:**

This historic (albeit non-conforming) barn was built, according to petitioners, in the 1870s. At that time, surrounding property was all farm field. It remained this way until 1996 when Sagamore Pointe subdivision was platted and Abnaki Drive built, bordering petitioners' property to the north and creating a street frontage setback requirement where there was none for over 100 years. Petitioners indicate that three of the portions of the barn were demolished in August of 2012 (Permit# 32640), however staff is unsure based on the submitted site plan what portion of the barn still remains on site, which

parts have been torn down and where the new addition will be constructed. A new site plan should be submitted clarifying existing conditions, proposed additions and clearly labeled setbacks.

The existing northern addition that petitioners have removed and would like to rebuild was, as noted on the petition, 11.5' wide, placing the addition about 15' from the property line instead of the required 25'. With this proposed addition, petitioners are encroaching roughly another 2' into the minimum setback. Staff realizes that adding onto a structure that has existed for a century, encroaching two feet closer to the setback will have minimal impact on surrounding neighbors. However, there is plenty of space on petitioners' property to add onto the barn in a conforming manner or locate a freestanding storage structure elsewhere on this 1.65 site. It is only petitioners' desire to build a larger addition at this location that is prompting the variance request.

Regarding the ballot items:

1. The Area Plan Commission at its October 17, 2012 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. The construction of this addition, only 3.5' wider than the original structure that stood for over 100 years **WILL NOT** be injurious to the public health, safety, and general welfare of the community. This addition will not be closer to the road than the existing privacy fence to the west, so no sight distances of the travelling public will be negatively affected.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. The current barn does not encroach in any other setbacks and improving an historic structure will have a positive impact on the surrounding area.
4. Because the street was platted in 1996 and created a street frontage setback where there wasn't one before, the terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the adjacent area.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. There is ample room on petitioners' 1.65 acre site to build a conforming addition or a freestanding storage structure.
  - 5a. The platting of the subdivision surrounding the site and the imposition of the street frontage setback where there was none before was not a condition caused by petitioners. However, the desire to build a larger addition than the original north wing at this location **IS** self-imposed.
  - 5b. The variance sought **DOES NOT** provide only the minimum relief needed to

alleviate the hardship. The variance sought is for an addition 3.5; wider than the original structure. While staff understands the desire to restore this historic structure and the platting of the subdivision street happened many years after the barn was built, staff can only support a variance to permit an addition of the same size.

**STAFF RECOMMENDATION:**

Denial

If approved, petitioners must submit a new site plan prior to applying for an Improvement Location Permit clearly identifying existing conditions, the proposed addition and all setbacks labeled.